



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
3040 Biddle Road
Medford, Oregon 97504
email address: orlOmb@or.blm.gov

IN REPLY REFER TO:

1792 (116)
Timber Products Road
Right-of-way Grant
A 6578(why:jl)

SEP 21 2001

Dear Interested Public:

The *Amended Environmental Assessment* (EA) for Timber Products Road Right-of-way Grant is being advertised in the Medford Mail Tribune for a 15 day public review period (September 23, 2001 to October 7, 2001). The proposed action, in response to an application (No. OR 55114-FD) we received from Timber Products Company, would grant a right-of-way across public lands located in the E1/2 NE1/4, Sec. 13, T. 40 S., R. 2 E., Willamette Meridian (W. M.).

The primary purpose of a public review is to provide the public with an opportunity to comment on the BLM's determination that there are no significant impacts associated with the proposed action and, therefore, an environmental impact statement is not necessary.

This EA is published on the Medford District web site, www.or.blm.gov/Medford/, under "Planning Documents."

We welcome your comments on the content of the EA. We are particularly interested in comments that address one or more of the following: (1) new information that would affect the analysis, (2) possible improvements in the analysis; and (3) suggestions for improving or clarifying the proposed management direction. Specific comments are the most useful. Comments, including names and addresses, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

All comments should be made in writing and mailed to Bill Yocum, Ashland Resource Area, 3040 Biddle Road, Medford, OR 97504. Any questions should be directed to Bill Yocum or Angie Morris at (541)618-2384.

Sincerely,

for Richard J. Drehodl
Field Manager
Ashland Resource Area

Enclosure (as stated)

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
ASHLAND RESOURCE AREA

AMENDED ENVIRONMENTAL ASSESSMENT

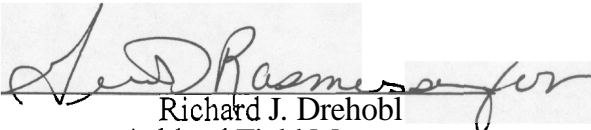
EA #01-017

FOR

TIMBER PRODUCTS ROAD

RIGHT-OF-WAY GRANT OR 55114-FD

This Amended Environmental Assessment (EA) for the proposed right-of-way grant was prepared utilizing a systematic interdisciplinary approach integrating the natural and social sciences and the environmental design arts with planning and decision making.


Richard J. Dreho
Ashland Field Manager

9/21/01
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ASHLAND RESOURCE AREA

EA COVER SHEET

Project Name/Number: Timber Products Right-of-Way Grant, 0R 55114-FD, EA #01-017

Location: T. 40 S., R. 2 E., Section 13, Willamette Meridian

Preparer/Lead: Bill Yocum/Joe Hoppe

| Preparers/Reviewers | Resource Values |
|-----------------------|---|
| <u>John Samuelson</u> | <u>Engineering, Roads</u> |
| <u>Jeannine Rossa</u> | <u>Wetlands, Water, and Fisheries</u> |
| <u>George Arnold</u> | <u>Wildlife, T & E Animals</u> |
| <u>Fred Tomlins</u> | <u>Recreation, Cultural, and VRM</u> |
| <u>Brad Tong</u> | <u>T & E Plants</u> |
| <u>Joe Hoppe</u> | <u>Realty and Rights-of-Way</u> |

Format/Adequacy Bill Yocum

I. INTRODUCTION

A. Background and Purpose and Need

The original environmental assessment for the Timber Products Road Right-of-Way Grant was available for public review from August 28, 2001 to September 14, 2001. The Bureau of Land Management (BLM) received numerous comments. The BLM Ashland Resource Area Interdisciplinary Team (ID Team) reviewed all comments and made a determination that the comments revealed new information. The BLM Ashland Field Manager directed the ID Team to incorporate this new information into this amended EA.

Road 40-2E-13 was constructed in the early 1960s by J.H. Baxter Company. One-third of a mile of this road, on BLM land in Section 13, T40S, R2E is controlled by BLM. In August of 1998, Timber Products Company (TP) requested a temporary O&C Haul Permit to transport logs from their land over the existing 0.33 miles of BLM controlled road in Section 13. BLM granted the O&C Haul Permit to Timber Products in September 1998 which included a seasonal restriction for hauling during dry conditions. Timber Products did some intermittent hauling during the dry conditions of 1998 and 1999. BLM suspended their O&C Permit in June of 2000. This permit was suspended due to impacts to the northern spotted owl which is listed as threatened under the Endangered Species Act.

On March 13, 2001 TP submitted an application for a right-of-way grant over the existing 0.33 miles of BLM Road 40-3E-13. The Code of Federal Regulations 43 § 2801.1-2 states, "...that a right-of-way for an access road is or shall be needed by the United States across lands directly or indirectly owned or controlled by an applicant for a right-of-way grant, he or she shall, if it is determined to be in the public interest, require the applicant, as a condition to receiving a right-of-way grant, to grant the United States an equivalent right-of-way that is adequate in duration and rights." The BLM Medford District Manager approved a "Request and Justification for proposed easement across portions of Section 13, T40S, R2E and Section 18, T40S, R3E, Jackson County, W.M., Oregon" (copy in EA file) on May 20, 1999. The proposed easement is needed for administrative access to manage approximately 360 BLM acres to protect an array of biological, geological, hydrological, archeological and historic resources in the Cascade-Siskiyou National Monument (CSNM). Examples of expected management activities include inventories, research/monitoring, reintroduction of fire, and fire suppression.

This Right-of-Way application for using 0.33 miles of existing road is in the CSNM. Private land within the boundary of the CSNM is not part of the CSNM. Therefore, land owned by TP is not part of the monument. The CSNM designation did not block access to private land. Under the Alaska National Interest Lands Conservation Act of 1980 (*16 USC Sec. 3210*), "...the Secretary of the Interior shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 USC 1701)..." Interim Management Policy for Newly Created National Monuments (Instruction Memorandum No. 2000-062) states, "Rights-of-Way: No new rights-of-way or ancillary public facilities should be processed, except for rights-of-way pursuant to existing policies and practices and necessary for access to private or state inholdings."

B. Conformance with Land Use Plans

The proposed action is in conformance with and tiered to the Presidential Proclamation which established the Cascade-Siskiyou National Monument (June 9, 2000), Interim Management Policy for Newly Created National Monument (Instruction Memorandum No. 2000-062), Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (USDI, USDA 2001)

and the *Medford District Record of Decision and Resource Management Plan* (RMP) (USDI 1995b). These Resource Management Plans incorporate the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl* (NWFP) (USDA and USDI 1994). These documents are available at the Medford BLM office and the Medford BLM web site at <<http://www.or.blm.gov/Medford/>>.

C. Relationship to Statutes, Regulations, and Other Plans

The proposed action and alternatives are in conformance with direction given for the management of public lands in the Medford District by the Federal Land Policy and Management Act of 1976 (FLPMA) and the Oregon and California Lands Act of 1937 (O&C Act).

D. Decisions to be Made on this Analysis

The EA is being prepared to determine if the proposed action and any of the alternatives would have a significant effect on the human environment thus requiring the preparation of an Environmental Impact Statement (EIS) as prescribed in the National Environmental Policy Act of 1969. It is also being used to inform interested parties of the anticipated impacts and provide them with an opportunity to comment on the various alternatives.

The Ashland Resource Area Field Manager must decide:

- Whether or not the impacts of the proposed action are significant to the human environment beyond those impacts addressed in previous NEPA documents. If the impacts are determined to be insignificant, then a Finding of No Significant Impact (FONSI) can be issued and a decision can be implemented. If any impacts are determined to be significant to the human environment, then an Environmental Impact Statement must be prepared before the Manager makes a decision.
- Whether to implement the Proposed Action alternative or defer to the No Action alternative.

E. ISSUES OF CONCERN

The following issues were identified by the ID Team and from public comment on the original EA.

1. Threatened & Endangered and Special Status Plant Species - *Fritillaria gentneri* (Gentner's fritillary), a federally listed endangered species is known to be in this area.
2. Threatened & Endangered and Special Status Animal Species - Northern spotted owl, a federally listed threatened species is known to be in this area
3. Invasive, Nonnative Species - Activity and disturbance in an area increases the spread of non-native species, such as star thistle.

II. ALTERNATIVES

This chapter describes the proposed action alternative. In addition, a “No Action” alternative is presented to form a baseline for analysis. This chapter also outlines specific project mitigation features that are an essential part of the project design for the alternatives. The proposed action alternative includes project design features (PDFs). The PDFs are included for the purpose of mitigating, reducing, or eliminating anticipated adverse environmental impacts. Analysis supporting the inclusion of PDFs can be found in Appendix D of the RMP Best Management Practices.

A. Proposed Action

To approve a right-of-way grant for Timber Products Company to use 0.33 miles of existing BLM Road 40-2E-13 (see EA Map).

The following PDFs are designed into the proposed action to help alleviate environmental impacts:

- 1) No hauling or road maintenance work (cleaning of ditches, catch basins, culverts, and drainage dips) before May 15th or after October 15th without permission from the BLM Authorized Officer. Discontinue hauling and/or maintenance work when rainstorms create water flow over road surfaces and ditches.
- 2) Drainage from the road should not route water into any streams, wet draws, or dry draws. Instead, drainage should route water off of the road into vegetated areas that will disperse or absorb the water.
- 3) Require road maintenance during periods of road use and after commercial haul activity. All road maintenance work shall meet minimum BLM standards.
- 4) Logging and support equipment/vehicles should be cleaned, especially the undercarriage, of mud, debris, and vegetative material prior to crossing BLM land. The intent is to prevent the spread of noxious weeds and nonnative plants.
- 5) Work activities (such as tree felling, yarding, road construction, hauling on roads not generally used by the public, etc.) will not occur within 0.25 mile of any spotted owl nest site or activity center of known pairs and resident singles between March 1 and June 30. March 1 to June 30 is considered the early nesting period; the action agency or TP biologist has the option to extend the seasonal restriction during the year of harvest, based on site specific knowledge (such as a late or re-nesting attempt). Work activities may proceed if it is determined by a qualified biologist that spotted owls residing at known site are not nesting, current year nesting has failed, or that young owls have fledged more than two weeks prior to the activities. The boundary of the 0.25 mile area may be modified by the action agency biologist using topographic features or other site-specific information.
- 6) If any spotted owl is detected between March 1 and September 30 of any year adjacent to timber harvest or quarrying activities, TP will suspend all adjacent activities until the spotted owl's reproductive status can be determined. If the spotted owl is a juvenile or an adult paired with a juvenile, they will suspend all operations until the owls have moved away or until the juvenile is no longer dependent on the adult for food or protection. Adjacent is generally determined to be close enough to work activities to cause a spotted owl to flush from its location. The Fish and Wildlife Service will be contacted if any help is required to determine how to proceed.

B. No Action Alternative

The no action alternative would be to deny Timber Products a right-of-way and not allow them legal access to their land in Section 18.

C. Alternative Considered but Eliminated from Analysis.

An alternative considered but eliminated would provide access to lands owned by TP off of the Baldy Creek Access Road 40-3E-5. This alternative would involve new road construction on BLM land and would conflict with the established purposes of the Cascade-Siskiyou National Monument.

III. Affected Environment

The affected environment describes the present conditions within the proposed area that would be affected by the proposed action. The information serves as a general baseline for determining the effects of the alternatives. No attempt has been made to describe every detail of every resource within the proposed area. Only enough detail has been given to determine if the proposed action would cause significant impacts to the environment.

The project area is located in the Baldy Creek drainage. Baldy Creek is a tributary of Emigrant Creek which flows into Emigrant Reservoir, and eventually into Bear Creek, a fifth field watershed. Elevation in the project area is roughly 3,100 feet. Precipitation in the area averages approximately 34 inches per year. The project area is in an area generally characterized by mixed conifer forest stands on north and east facing slopes plus other mesic sites (e.g., riparian influence zones), and oak-woodland or sclerophyllous shrubland on south and west facing slopes plus other xeric sites (e.g. ridgetops).

A. Soils

Soils on the BLM land as indicated by a SCS soil survey are classified as McNall-McMullin.

B. Engineering

The existing road (40-2E-13, Seg. B) crossing BLM land was originally built under an O&C permit by J. H. Baxter & Company in the early 1960s. The road is approximately 1,740 feet in length, and 22 feet wide including ditches. It is a natural surface road with a maximum grade of 12%. The road was recently brushed and the drainage improved with water dips.

C. Special Status Plants

Surveys for Bureau Special Status and Northwest Forest Plan species were conducted according to approved BLM protocol. No Bureau Special Status or Northwest Forest Plan species were located along the existing BLM controlled road.

D. Fisheries

BLM records for Baldy Creek indicate that cutthroat are found from the mouth of the stream through the private land in Section 18. The existing road for which this right-of-way grant is a natural surface road on BLM land. The potential for fine sediment input to streams from hauling on natural surface roads is greater than for surfaced roads. As a result, the impact to cutthroat trout, as analyzed previously under the Fisheries Section for the O&C Permit action, OR 54556 was found to be more than negligible. However, PDFs outlined in this EA would reduce potential sediment input to the stream from these natural surface roads.

IV. ENVIRONMENTAL CONSEQUENCES

A. INTRODUCTION

The environmental consequences forms the scientific and analytic basis for comparison of alternatives. Discussions include the environmental impacts of the proposed action and any adverse environmental effects which cannot be avoided should the proposal be implemented.

The impact analysis addresses direct, indirect, and cumulative impacts on all affected resources of the human environment, including critical elements.

A. Terrestrial Wildlife

There would be no direct effects to wildlife from issuing the right-of-way grant. The interdependent effects associated with issuing the grant, however, would be the harvest of approximately 33 acres of timber in the short-term, and additional forest related work in the long-term, including timber harvest. The applicant indicated that future timber harvest could occur on

approximately a 20 year cycle on their land. Timber harvest would be in conformance with Oregon Forest Practices Act requirements.

The 33 acre tract of timber is scheduled to be harvested by the applicant after the grant is issued. This tract is known to provide roosting/foraging habitat for northern spotted owls. Researchers for National Council of the Paper Industry for Air and Stream Improvement (NCASI) documented use of this area by radio telemetry; i.e., radio-marked owls were located in the tract. Harvest of this timber would result in a “likely to adversely affect” determination for the federally listed (threatened) northern spotted owl; therefore, formal consultation with the U.S. Fish and Wildlife Service (Service) was initiated and their Biological Opinion is available for review at the Medford District Office. Mandatory terms and conditions issued by the Service in the Biological Opinion (copy in EA file) for this action are to be implemented by the applicant and BLM as identified below:

- 1) Timber Products Company shall report to the Fish and Wildlife Service the amount of acres treated during each entry, the average DBH of each treated stand (if known) and the resulting canopy closure of each treated stand.
- 2) The BLM must attach a copy of the BO to the right-of-way grant issued to Timber Products Company.

The loss of the 33 acres of suitable habitat, and the potential loss of additional suitable habitat on adjacent private lands could impair the reproductive capability of spotted owls within the home range of these operations. Removal of spotted owl habitat on BLM managed lands in the vicinity is not anticipated since these lands are in the Cascade-Siskiyou National Monument.

B. Botany

The Endangered Species Act requires the BLM to consult with the Service on actions likely to adversely affect a listed species. Effects analyzed include direct, indirect, cumulative, interdependent, and interrelated.

The Service has determined that this action is likely to adversely affect but not jeopardize the existence of *Fritillaria gentneri*.

Direct effects -- There are no adverse effects expected from the permitted use of BLM controlled roads including their maintenance. The log haul route on BLM, the permitted action, would not impact any known *Fritillaria gentneri* populations.

Assuming *Fritillaria gentneri* do exist on private land, direct damage to individuals could occur. These consequences are addressed under interrelated and interdependent effects.

Indirect effects – Removing some overstory trees on private land could improve the habitat for *Fritillaria gentneri* in the short-term. Some overstory removal would return the forest to a somewhat earlier successional state. Because *Fritillaria* is an early to mid seral species, this type of operation may be beneficial to the habitat of *Fritillaria gentneri* in the short-term. Long-term management of private timberlands generally proceeds toward a closed-canopy, even-aged coniferous forests. *Fritillaria gentneri* is not known to occur in this type of forest; long-term effects on suitable habitat would be adverse.

The project area does have infestations of noxious weeds and nonnative species. In these areas, yellow starthistle and weedy annual grasses present the greatest threat of habitat modification. Particularly susceptible are disturbed areas, oak woodlands, shrublands, and meadows. Logging

equipment, log hauling, and road maintenance vehicles have the potential of transporting plant seeds and creating large areas and corridors of disturbed ground. Vegetative material caught on the undercarriage and caked-on mud are recognized seed spread mechanisms.

The effects of airborne dirt and dust on *Fritillaria gentneri* are hypothetical. Possible effects are decreased photosynthesis, less successful pollination, and a deterrent to pollinators. Because the vigor of other roadside plants seem to be unaffected by road dust and that *Fritillaria gentneri* may not reproduce sexually, these effects may be discountable.

Interdependent and interrelated effects – For this project, these effects are the result of actions occurring on private land accessed by the permit. Without survey data on private land or all of the neighboring BLM lands, rough estimates and gross assumptions are applied.

Approximately 150 acres of the 265 acres of private land accessed appears to be highly suitable habitat. Suitable habitat consists of oak woodland, savannah, dry Douglas-fir forest, and shrubland. Of the suitable habitat, only 25 acres is commercial timberland. The unsuitable habitat is a recently logged Douglas-fir and Ponderosa pine forest. The residual forest is approximately 20% canopy closure of trees less than 12 inches DBH.

The single known populated area in this region has 38 flowering individuals in a two acre area. The relationship between flowering and non-flowering plants has not yet been demonstrated. Numbers of non-flowering plants within one meter of a flowering individual have been documented and assumed to be *Fritillaria gentneri*. While a percentage of non-flowering plants outside the one meter area could be *Fritillaria gentneri* or the more common *Fritillaria recurva*, the exact percentage is unknown. The number of non-flowering plants in this population assumed to be *Fritillaria gentneri* is 844.

Based on this known site and the area of suitable habitat, it is expected that less than four plants could be damaged or destroyed. Potential damage would be associated with logging the 25 acres of timber and access. Numbers of non-flowering individuals is not part of this analysis because species population data is based on flowering plants and the relationship between flowering and non-flowering plants is unproven. Reasonably, it is assumed that other private land and unsurveyed BLM land would support additional populations.

Direct damage and losses could occur via heavy machinery churning or compacting the soil, falling trees, and skidding and yarding logs. The indirect effects of habitat modification would range from beneficial to adverse.

Cumulative effects – Private and public (non-Federal) timber harvest projects are expected to continue in the range of *Fritillaria gentneri*. Because this plant is usually found in oak woodlands, shrublands, and forest edges, logging conifer forests could have short-term beneficial effects to the species and its habitat. Long-term management goals of closed canopy, even-age forests would produce conditions adverse to *Fritillaria gentneri* habitat. No action in these forests would allow an overly dense stand to develop and increase the risk of a catastrophic fire. Individuals could be damaged or destroyed due to the logging operation and associated road building. Small inclusions of suitable habitat could be lost.

C. Aquatic Species

All log hauling to be done on this BLM right-of-way is within the Baldy Creek drainage. Baldy Creek is located upstream of Emigrant Creek Dam and Reservoir. There are no anadromous fish species in the Baldy Creek drainage because the Emigrant Creek Dam is a barrier to upstream migration of fish and other aquatic organisms.

Coho salmon are listed as “Threatened” under the Endangered Species Act. This right-of-way agreement is considered a “no affect” for coho salmon on federal land because 1) they do not migrate past the Emigrant Creek dam, and 2) Emigrant Reservoir would likely act as a filter, shielding downstream fish habitat from upstream activities on either federal or private land.

Baldy Creek is a 303d listed stream for water temperature and log haul over the BLM right-of-way would not influence stream temperature.

D. Critical Elements

The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EA’s.

Table 12: Critical Elements

| Critical Element | Affected | | Critical Element | Affected | |
|-----------------------------|----------|----|-------------------------|----------|-----|
| | Yes | No | | Yes | No |
| Air Quality | | ✓ | T & E Species | | ✓ * |
| ACECs | | ✓ | Wastes, Hazardous/Solid | | ✓ |
| Cultural Resources | | ✓ | Water Quality | | ✓ |
| Farmlands, Prime/Unique | | ✓ | Wetlands/Riparian Zones | | ✓ |
| Floodplains | | ✓ | Wild & Scenic Rivers | | ✓ |
| Nat. Amer. Rel. Concerns | | ✓ | Wilderness | | ✓ |
| Invasive, Nonnative Species | | ✓* | Environmental Justice | | ✓ |

*These affected critical elements could be impacted by the implementing the proposed action. Impacts are being minimized by project design.

V. LIST OF AGENCIES AND PERSONS CONSULTED

A. Consultation

US Fish and Wildlife Service

B. Public Participation

1. Publicity

Public notice of the availability of this amended EA was provided through advertisement in the Medford Mail Tribune and the BLM Medford District's central registration and recording system.

2. Notification:

A copy of this amended EA was mailed to the following organizations:

- Association of O&C Counties
- Audubon Society
- Friends of the Greensprings
- Friends of the Cascade-Siskiyou National Monument
- Headwaters
- Klamath Siskiyou Wildlands Center
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry
- Oregon Natural Resource Council
- Soda Mountain Wildemess Council

The Confederated Tribes
The Pacific Rivers Council
Timber Products

In addition a copy of this amended EA was mailed to the following individuals who provided comments on the original EA.

Deanne Ragnell, Keith Johnson, Cerisa Niskinen, and Stephen Albrechtsen

C. Availability

A copy of this amended EA is available upon request from the Ashland Resource Area, Bureau of Land Management, 3040 Biddle Rd., Medford, OR 97540, (541) 618-2200. The EA has also been placed in the public EA register at the Bureau of Land Management office (above address) and a copy sent to the Southern Oregon University Library.

9/01

